

**REMARKS**

In accordance with the foregoing, claims 29, 36, 37, 40 and 41 have been amended. Claims 35 and 39 have been cancelled without prejudice or disclaimer. Claims 29-34, and 36-41 are under consideration. Claims 1-28 and 42 are withdrawn.

**Typographical Error:**

In claim 41, in the last line, the term "quantized" is misspelled as "quanized." This typographical error has been corrected. No new matter has been added.

**Rejection of Claims 29, 33, 35, and 37-41 under 35 U.S.C. §103(a)**

The Office Action rejects claims 29, 33, 35, and 37-41 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,167,084 issued to Wang et al. (hereinafter referred to as "Wang"), in view of U.S. Patent No. 6,181,711 issued to Zhang et al. (hereinafter referred to as "Zhang"). This rejection is respectfully traversed.

Independent claim 29 has been amended to include the features of claim 39. Claims 35 and 39 have been canceled without prejudice or disclaimer.

It is respectfully submitted that Wang and Zhang, alone or in combination, do not teach or suggest that the first data is video data, the second data is additional information data, and the formatted additional information data is inserted into the user data portion included in the video data, as is set forth in amended independent claim 29.

Hence, it is respectfully submitted that amended independent claim 29 is patentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,167,084 issued to Wang et al., in view of U.S. Patent No. 6,181,711 issued to Zhang et al, alone or in combination. Since claims 33, 37-38, and 40-41 depend from amended independent claim 29, claims 33, 37-38 and 40-41 are patentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,167,084 issued to Wang et al., in view of U.S. Patent No. 6,181,711 issued to Zhang et al, alone or in combination, for at least the reasons amended independent claim 29 is patentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,167,084 issued to Wang et al., in view of U.S. Patent No. 6,181,711 issued to Zhang et al., alone or in combination.

Accordingly, withdrawal of this rejection is respectfully requested.

**Rejection of Claims 30-32 under 35 U.S.C. §103(a)**

The Office Action rejects claims 30-32 under 35 U.S.C. §103(a) as being unpatentable over Wang and Zhang as applied to claim 29 above, and further in view of Applicant's admitted prior art. This rejection is respectfully traversed.

Independent claim 29 has been amended to include the terminology "wherein the first data comprises a user data portion, wherein the formatted second data is inserted into the user data portion, wherein the first data is video data, and wherein the second data is additional information data," which is not taught or suggested by Wang, Zhang, and Applicant's admitted prior art.

It is respectfully submitted that Wang, Zhang, and Applicant's admitted prior art do not teach or suggest, individually or in combination, that the first data comprises a user data portion, wherein the formatted second data is inserted into the user data portion, wherein the first data is video data, and wherein the second data is additional information data, as is recited in amended independent claim 29 of the present application.

Hence, it is respectfully submitted that amended independent claim 29 of the present application is patentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,167,084 issued to Wang et al., in view of U.S. Patent No. 6,181,711 issued to Zhang et al., and further in view of Applicant's admitted prior art, alone or in combination. Since claims 30- 32 depend from amended independent claim 29, claims 30-32 are patentable over U.S. Patent No. 6,167,084 issued to Wang et al., in view of U.S. Patent No. 6,181,711 issued to Zhang et al., and further in view of Applicant's admitted prior art, alone or in combination, for at least the reasons amended independent claim 29 is patentable over U.S. Patent No. 6,167,084 issued to Wang et al., in view of U.S. Patent No. 6,181,711 issued to Zhang et al., and further in view of Applicant's admitted prior art, alone or in combination.

Accordingly, withdrawal of this rejection is respectfully requested.

**Rejection of Claim 34 Under 35 U.S.C. §103(a)**

The Office Action rejects claim 34 under 35 U.S.C. §103(a) as being unpatentable over Wang and Zhang as applied to claim 29 above, and further in view of U.S. Patent No. 6,788,710 issued to Knutson et al. (hereinafter referred to as "Knutson"). This rejection is respectfully traversed.

Independent claim 29 has been amended to include the terminology "wherein the first data comprises a user data portion, wherein the formatted second data is inserted into the user data portion, wherein the first data is video data, and wherein the second data is additional information data," which is not taught or suggested by U.S. Patent No. 6,167,084 issued to Wang et al. or U.S. Patent No. 6,181,711 issued to Zhang et al.

As set forth in the Abstract of Knutson, recited below for the convenience of the Examiner, Knutson does not teach or suggest include that the first data comprises a user data portion, wherein the formatted second data is inserted into the user data portion, wherein the first data is video data, and wherein the second data is additional information data:

A digital device, such as a digital VTR, receives and records an MPEG compatible datastream. On play back, the DVTR inserts packetized auxiliary information, such as on-screen display information, into the transport datastream for transmission to another digital device, such as a television receiver. Time stamps in the MPEG compatible datastream are unaffected by the insertion of the auxiliary information. The DVTR VSB modulates the datastream to provide sufficient bandwidth for the auxiliary information in the datastream. (emphasis added)

Thus, it is respectfully submitted that amended independent claim 29 is patentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,167,084 issued to Wang et al., in view of U.S. Patent No. 6,181,711 issued to Zhang et al. and further in view of U.S. Patent No. 6,788,710 issued to Knutson et al., alone or in combination. Since claim 34 depends from amended independent claim 29, claim 34 is patentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,167,084 issued to Wang et al., in view of U.S. Patent No. 6,181,711 issued to Zhang et al. and further in view of U.S. Patent No. 6,788,710 issued to Knutson et al., alone or in combination, for at least the reasons amended independent claim 29 is patentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,167,084 issued to Wang et al., in view of U.S. Patent No. 6,181,711 issued to Zhang et al. and further in view of U.S. Patent No. 6,788,710 issued to Knutson et al., alone or in combination.

Accordingly, withdrawal of this rejection is respectfully requested.

**Rejection of Claim 36 Under 35 U.S.C. §103(a)**

The Office Action rejects claim 36 under 35 U.S.C. §103(a) as being unpatentable over Wang and Zhang as applied to claim 35 above, and further in view of U.S. Patent No. 5,719,986 issued to Kato et al. (hereinafter referred to as "Kato"). This rejection is respectfully traversed.

Independent claim 29 has been amended to include the terminology "wherein the first data comprises a user data portion, wherein the formatted second data is inserted into the user data portion, wherein the first data is video data, and wherein the second data is additional information data," which is not taught or suggested by U.S. Patent No. 6,167,084 issued to Wang et al. or U.S. Patent No. 6,181,711 issued to Zhang et al.

As set forth in the Abstract of Kato, recited below for the convenience of the Examiner, Kato does not teach or suggest that the first data comprises a user data portion, wherein the

formatted second data is inserted into the user data portion, wherein the first data is video data, and wherein the second data is additional information data:

A method for encoding video signals including a first step of generating the information on picture characteristics at least including the luminance information of the input video signals in terms of a pre-set time interval as a unit, a second step of calculating the mean bit rate of the input video signals, a third step of calculating the information on the amount of bits generated per pre-set time interval of the input video signals, a fourth step of calculating the encoding difficulty per pre-set time interval based upon the information on picture characteristics, information on the amount of generated bits and the information on the total amount of usable data, a fifth step of determining the encoding bit rate per pre-set time interval by applying the encoding difficulty to a function for finding the encoding bit rate pre-set by the mean bit rate and a sixth step of encoding the input video signals in accordance with the encoding bit rate obtained per said pre-set time interval. (emphasis added)

Thus, it is respectfully submitted that amended independent claim 29 is patentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,167,084 issued to Wang et al., in view of U.S. Patent No. 6,181,711 issued to Zhang et al. and further in view of U.S. Patent No. 5,719,986 issued to Kato et al. Since claim 36 depends from amended independent claim 29, claim 36 is patentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,167,084 issued to Wang et al., in view of U.S. Patent No. 6,181,711 issued to Zhang et al. and further in view of U.S. Patent No. 5,719,986 issued to Kato et al. for at least the reasons amended independent claim 29 is patentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,167,084 issued to Wang et al., in view of U.S. Patent No. 6,181,711 issued to Zhang et al. and further in view of U.S. Patent No. 5,719,986 issued to Kato et al.

Accordingly, withdrawal of this rejection is respectfully requested.

### **Summary**

Claims 1-34, 36-38, and 40-42 are pending. Claims 29-34, and 36-38, and 40-41 are under consideration, and claims 1-28 and 42 are withdrawn. It is respectfully submitted that none of the references taken alone or in combination disclose the present claimed invention.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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